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KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP			KOHUT, DAVID M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,596

Applicant(s)

LEGO ET AL.

Examiner

David M. Kohut

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 17 January 2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 44. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

1. The disclosure is objected to because of the following informalities:
 - a. Page 8, paragraph 0031, line 1, contains a reference to "step 32".

Applicant is requested to make it clear that any time a step is referenced that it refers to Figure 2. Additional places that steps are referenced are:

 - i. Page 12, paragraph 0040, line 1 (step 34);
 - ii. Page 13, paragraph 0041, line 1 (step 36);
 - iii. Page 13, paragraph 0043, line 1 (step 38);
 - iv. Page 15, paragraph 0046, line 1 (steps 40 and 42)

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- v. Page 15, paragraph 0046, line 9 (step 46); and
- vi. Page 15, paragraph 0046, line 12 (step 48).
- b. Page 15, paragraph 0046, line 1, Examiner believes that reference numeral "44" should have been referenced in this sentence. If this is correct, Applicant is requested to make the appropriate change.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 9-10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Conal Gregory, It can pay to watch out for those hidden bank charges, Scotsman, p. 37, January 23, 1999, reference U on attached PTO-892.
4. As per claim 1, *The Scotsman* teaches a computer-assisted method for analyzing financial information of a client of a financial institution, said method comprising receiving data in a report database, said report database including information related to at least one overdraft occurrence related to said client, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month (In order for Halifax to determine that the customers are overdrawn, it would have had to have accounts for each of the customers. These accounts would function as a database.)(see lines 62-63 of *The Scotsman*); analyzing said overdraft occurrence information, wherein said analyzing step includes comparing said overdraft occurrence information to at least one criterion, i.e.

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Halifax only charges interest if customers are overdrawn for two consecutive days once a month (The customers' accounts are analyzed for overdraft occurrences based upon a monthly criterion.)(see lines 62-63 of *The Scotsman*); and generating a response based on said comparison, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month (Halifax's charging of interest is a response to the comparison of the overdraft occurrences.)(see lines 62-63 of *The Scotsman*).

5. As per claim 2, *The Scotsman* teaches the method of claim 1 as described above. In addition, *The Scotsman* further teaches the method wherein the criterion includes a time period associated with at least one of said overdraft occurrences, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month (see lines 62-63 of *The Scotsman*).

6. As per claim 3, *The Scotsman* teaches the method of claim 2 as described above. In addition, *The Scotsman* further teaches the method wherein said time period is selected from the group consisting of a number of days, a number of months, a number of quarters, and a year, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month (see lines 62-63 of *The Scotsman*).

7. As per claim 4, *The Scotsman* teaches the method of claim 1 as described above. In addition, *The Scotsman* further teaches the method wherein said criterion further includes a dollar amount associated with said overdraft occurrence, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month, but may be up to 100 in the red if a salary is regularly paid in (Halifax is an British bank and an account is overdrawn by at least 1 GBP, if no salary is regularly paid in, and at least

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101 GBP, if salary is paid in. 1 GBP can be converted to a US dollar amount.) (see lines 62-63 of *The Scotsman*).

8. As per claim 5, *The Scotsman* teaches the method of claim 1 as described above. In addition, *The Scotsman* further teaches the method of generating said response in a chronic report database operatively associated with said report database, i.e. at Lloyds, a 10 borrowing fee when 10 is overdrawn without agreement or on any subsequent occasion is the norm (In order for Lloyds to charge a 10 borrowing fee on subsequent occasions, it would have to keep track of the subsequent overdrafts in a database which would be associated with the customers' accounts.)(see lines 65-66 of *The Scotsman*).

9. As per claim 6, *The Scotsman* teaches the method of claim 1 as described above. In addition, *The Scotsman* further teaches the method comprising receiving an external report in said report database in connection with generating said response, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month and these charges are raised on the current statement, which is equal to an external statement (Since quarterly or annual charges from the bank are shown on a current statement, so too must other additional charges for such things as overdrafts also be shown.)(see lines 1-4 and 62-63 of *The Scotsman*).

10. As per claim 7, *The Scotsman* teaches the method of claim 6 as described above. In addition, *The Scotsman* further teaches the method wherein said external report includes data selected from the group consisting of at least one overdraft occurrence over a dollar amount predefined by the financial institution, a predefined number of consecutive days in overdraft condition, and a daily accumulation of overdraft occurrences, i.e. Halifax charges interest if customers are overdrawn for two consecutive

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days once a month and Lloyds charges a 10 borrowing fee when 10 is overdrawn without agreement or on any subsequent occasion and charges are raised on statements (see lines 1-4 and 62-66 of *The Scotsman*).

11. As per claim 9, *The Scotsman* teaches the method of claim 1 as described above. In addition, *The Scotsman* further teaches the method wherein said response includes an overdraft occurrence history of said client, i.e. at Lloyds, a 10 borrowing fee when 10 is overdrawn without agreement or on any subsequent occasion is the norm (In order for Lloyds to know about any subsequent occasion, it would have to keep track of the history of the overdraft occurrences.) (see lines 65-66 of *The Scotsman*).

12. As per claim 10, *The Scotsman* teaches the method of claim 1 as described above. In addition, *The Scotsman* further teaches the method comprising displaying more than one of said responses in a summary report, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month and these charges are raised on the current statement (Since quarterly or annual charges from the bank are shown on a current statement, so too must other additional charges for such things as overdrafts also be shown. In addition, if more than one overdraft had occurred in a month, the additional overdraft charges would also be shown on the current statement.)(see lines 1-4 and 62-63 of *The Scotsman*).

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13. As per claim 12, *The Scotsman* teaches the method of claim 1 as described above. In addition, *The Scotsman* further teaches the method wherein said generating step further comprises documenting one or more reasons for at least one of said overdraft occurrences in said response, i.e. Halifax charges interest if customers are overdrawn for two consecutive days once a month (In order to charge interest, the reason for the interest must be documented on the account.)(see lines 62-63 of *The Scotsman*).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conal Gregory, It can pay to watch out for those hidden bank charges, *The Scotsman*, p. 37, January 23, 1999, reference U on attached PTO-892, in view of Kirsty Greenwood and Nic Cicutti, Personal Finance: Switching isn't hard to do: More people divorce than change banks. But it's not that traumatic., *The Independent*, November 07, 1998, reference V on attached PTO-892.

16. As per claim 8, *The Scotsman* teaches the method of claim 1 as described above. *The Scotsman* does not explicitly teach an oversight representative. However, *The Independent* does teach the method comprising associating an oversight representative with said response, i.e. Abbey National looks at the history of how customers conduct their accounts and in a one-off situation where someone may be only a few pounds overdrawn, Abbey National might waive the overdraft charge (see lines 56-58 of *The*

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Independent). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of *The Scotsman*. One of ordinary skill in the art would have been motivated to incorporate this feature because customers want fee-free overdraft (see lines 17-18 of *The Independent*).

17. As per claim 13, *The Scotsman* teaches the method of claim 1 as described above. *The Scotsman* does not explicitly teach notifying a manager of the overdraft occurrence. However, *The Independent* does teach the method of notifying a manager responsible for said client associated with said overdraft occurrence by transmitting said response to said manager, i.e. Abbey National looks at the history of how customers conduct their accounts and in a one-off situation where someone may be only a few pounds overdrawn, Abbey National might waive the overdraft charge (Since a manager needs to determine whether the overdraft charge can be waived, the overdraft occurrence must have been transmitted to the manager for the manager's review.)(see lines 56-58 of *The Independent*). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of *The Scotsman*. One of ordinary skill in the art would have been motivated to incorporate this feature because customers want fee-free overdraft (see lines 17-18 of *The Independent*).

18. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conal Gregory, It can pay to watch out for those hidden bank charges, *The Scotsman*, p. 37, January 23, 1999, reference U on attached PTO-892, in view of Anderson et al., U.S. Patent No. 5,706,442.

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19. As per claim 14, *The Scotsman* teaches a method comprising an overdraft application for receiving data in from an overdraft data source, said data source including at least one overdraft occurrence associated with a transaction performed in association with said client, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month (In order for Halifax to determine that the customers are overdrawn, it would have had to have accounts for each of the customers. These accounts would function as a database. Each of these overdraft occurrences would be related to a transaction performed by a customer where the customer exceeded their account balance.)(see lines 62-63 of *The Scotsman*); said overdraft application configured for analyzing at least one said overdraft occurrence wherein said analyzing step includes comparing said overdraft occurrence information to at least one criterion, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month (The customers' accounts are analyzed for overdraft occurrences based upon a monthly criterion.)(see lines 62-63 of *The Scotsman*); and generating a response associated with said analysis of said overdraft occurrence, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month (Halifax's charging of interest is a response to the comparison of the overdraft occurrences.)(see lines 62-63 of *The Scotsman*). However, *The Scotsman* does not explicitly teach the method as a system or the server connection for generating a response. Anderson et al., however, does teach a system for processing financial information of a client of a financial institution, said system comprising: an overdraft application, i.e. among the server components supported by Conductor are databases (Examiner interprets the overdraft application to be a computer system that analyzes information.)(see column 4, lines 47-48 of Anderson et

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al.); and a server connection for generating a response, i.e. communications between clients and servers are accomplished using “interfaces” that group operation and attributes for various services (see lines 4-7 of Anderson et al. abstract). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate these features into the system of *The Scotsman*. One of ordinary skill in the art would have been motivated to incorporate these features so financial services are available at any time and from any location (see lines 7-9 of Anderson et al. abstract).

20. As per claim 15, *The Scotsman* and Anderson et al. teach the system of claim 14 as described above. In addition, *The Scotsman* further teaches the system comprising at least one report database operatively associated with said overdraft application for generating said response, i.e. at Lloyds, a 10 borrowing fee when 10 is overdrawn without agreement or on any subsequent occasion is the norm (In order for Lloyds to charge a 10 borrowing fee on subsequent occasions, it would have to keep track of the subsequent overdrafts in a database which would be associated with the customers’ accounts.)(see lines 65-66 of *The Scotsman*).

21. As per claim 16, *The Scotsman* and Anderson et al. teach the system of claim 14 as described above. In addition, *The Scotsman* further teaches the system comprising at least one external report configured to provide information for said response, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month and these charges are raised on the current statement (Since quarterly or annual charges from the bank are shown on a current statement, so too must other additional charges for such things as overdrafts also be shown.)(see lines 1-4 and 62-63 of *The Scotsman*).

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22. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Conal Gregory, It can pay to watch out for those hidden bank charges, *The Scotsman*, p. 37, January 23, 1999, reference U on attached PTO-892, in view of Dent et al., U.S. Patent No. 6,128,603.

23. As per claim 11, *The Scotsman* teaches the method of claim 10 as described above. However, *The Scotsman* does not explicitly teach the ability to sort the summary report. Dent et al., however, does teach the method comprising sorting said summary report by a characteristic selected from the group consisting of active chronics, segment, account manager, relationship manager, treasury manager, market/cost center, reason, status, obligor, and oversight representative, i.e. the billing statement may contain other items, such as embedded hyperlinks, executable code, and pop-up dialog boxes which provide additional design flexibility and customization (see column 7, lines 38-43 of Dent et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of *The Scotsman*. One of ordinary skill in the art would have been motivated to incorporate this feature because this would enable the biller to essentially create any aesthetics, organization, and detail that it prefers (see column 7, lines 38-43 of Dent et al.).

24. Claims 17-23, 25-26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conal Gregory, It can pay to watch out for those hidden bank charges, *The Scotsman*, p. 37, January 23, 1999, reference U on attached PTO-892, in view of Danneels et al., U.S. Patent No. 6,272,472 B1.

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25. As per claim 17, *The Scotsman* teaches a method of receiving data in a report database, said report database including information related to at least one overdraft occurrence related to said client, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month (In order for Halifax to determine that the customers are overdrawn, it would have had to have accounts for each of the customers. These accounts would function as a database.)(see lines 62-63 of *The Scotsman*); analyzing said overdraft occurrence information, wherein said analyzing step includes comparing said overdraft occurrence information to at least one criterion, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month (The students' accounts are analyzed for overdraft occurrences based upon a monthly criterion.)(see lines 62-63 of *The Scotsman*); and generating a response based on said comparison, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month (Halifax's charging of interest is a response to the comparison of the overdraft occurrences.)(see lines 62-63 of *The Scotsman*). However, *The Scotsman* does not explicitly teach providing these executable instructions on a machine-readable medium. Danneels et al., however, teaches a computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a machine-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of *The Scotsman*. One of ordinary skill in the art would have been motivated to incorporate this

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feature for the purpose of distribution and installation and execution of the software on another computer (see column 7, lines 46-49 of Danneels et al.).

26. As per claim 18, *The Scotsman* teaches the method of claim 17 as described above. In addition, *The Scotsman* further teaches the method wherein the criterion includes a time period associated with at least one of said overdraft occurrences, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month (see lines 62-63 of *The Scotsman*). However, *The Scotsman* does not explicitly teach providing these executable instructions on a machine-readable medium. Danneels et al., however, teaches a computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a machine-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of *The Scotsman*. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of distribution and installation and execution of the software on another computer (see column 7, lines 46-49 of Danneels et al.).

27. As per claim 19, *The Scotsman* teaches the method of claim 18 as described above. In addition, *The Scotsman* further teaches the method wherein said time period is selected from the group consisting of a number of days, a number of months, a number of quarters, and a year, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month (see lines 62-63 of *The Scotsman*). However, *The Scotsman* does not explicitly teach providing these executable instructions on a machine-

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readable medium. Danneels et al., however, teaches a computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a machine-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of *The Scotsman*. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of distribution and installation and execution of the software on another computer (see column 7, lines 46-49 of Danneels et al.).

28. As per claim 20, *The Scotsman* teaches the method of claim 17 as described above. In addition, *The Scotsman* further teaches the method wherein said criterion further includes a dollar amount associated with said overdraft occurrence, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month, but may be up to 100 in the red if a salary is regularly paid in (Halifax is an British bank and an account is overdrawn by at least 1 GBP, if no salary is regularly paid in, and at least 101 GBP, if salary is paid in. 1 GBP can be converted to a US dollar amount.) (see lines 62-63 of *The Scotsman*). However, *The Scotsman* does not explicitly teach providing these executable instructions on a machine-readable medium. Danneels et al., however, teaches a computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a machine-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to

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incorporate this feature into the method of *The Scotsman*. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of distribution and installation and execution of the software on another computer (see column 7, lines 46-49 of Danneels et al.).

29. As per claim 21, *The Scotsman* teaches the method of claim 17 as described above. In addition, *The Scotsman* further teaches the method of generating said response in a chronic report database operatively associated with said report database, i.e. at Lloyds, a 10 borrowing fee when 10 is overdrawn without agreement or on any subsequent occasion is the norm (In order for Lloyds to charge a 10 borrowing fee on subsequent occasions, it would have to keep track of the subsequent overdrafts in a database which would be associated with the customers' accounts.)(see lines 65-66 of *The Scotsman*). However, *The Scotsman* does not explicitly teach providing these executable instructions on a machine-readable medium. Danneels et al., however, teaches a computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a machine-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of *The Scotsman*. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of distribution and installation and execution of the software on another computer (see column 7, lines 46-49 of Danneels et al.).

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30. As per claim 22, *The Scotsman* teaches the method of claim 17 as described above. In addition, *The Scotsman* further teaches the method comprising receiving an external report in said report database in connection with generating said response, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month and these charges are raised on the current statement (Since quarterly or annual charges from the bank are shown on a current statement, so too must other additional charges for such things as overdrafts also be shown.)(see lines 1-4 and 62-63 of *The Scotsman*). However, *The Scotsman* does not explicitly teach providing these executable instructions on a machine-readable medium. Danneels et al., however, teaches a computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a machine-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of *The Scotsman*. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of distribution and installation and execution of the software on another computer (see column 7, lines 46-49 of Danneels et al.).

31. As per claim 23, *The Scotsman* teaches the method of claim 22 as described above. In addition, *The Scotsman* further teaches the method wherein said external report includes data selected from the group consisting of at least one overdraft occurrence over a dollar amount predefined by the financial institution, a predefined number of consecutive days in overdraft condition, and a daily accumulation of overdraft

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occurrences, i.e. Halifax charges interest if customers are overdrawn for two consecutive days once a month and Lloyds charges a 10 borrowing fee when 10 is overdrawn without agreement or on any subsequent occasion and charges are raised on statements (see lines 1-4 and 62-66 of *The Scotsman*). However, *The Scotsman* does not explicitly teach providing these executable instructions on a machine-readable medium. Danneels et al., however, teaches a computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a machine-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of *The Scotsman*. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of distribution and installation and execution of the software on another computer (see column 7, lines 46-49 of Danneels et al.).

32. As per claim 25, *The Scotsman* teaches the method of claim 17 as described above. In addition, *The Scotsman* further teaches the method wherein said response includes an overdraft occurrence history of said client, i.e. at Lloyds, a 10 borrowing fee when 10 is overdrawn without agreement or on any subsequent occasion is the norm (In order for Lloyds to know about any subsequent occasion, it would have to keep track of the history of the overdraft occurrences.) (see lines 65-66 of *The Scotsman*). However, *The Scotsman* does not explicitly teach providing these executable instructions on a machine-readable medium. Danneels et al., however, teaches a computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of

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Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a machine-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of *The Scotsman*. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of distribution and installation and execution of the software on another computer (see column 7, lines 46-49 of Danneels et al.).

33. As per claim 26, *The Scotsman* teaches the method of claim 17 as described above. In addition, *The Scotsman* further teaches the method comprising displaying more than one of said responses in a summary report, i.e. Halifax only charges interest if customers are overdrawn for two consecutive days once a month and these charges are raised on the current statement (Since quarterly or annual charges from the bank are shown on a current statement, so too must other additional charges for such things as overdrafts also be shown. In addition, if more than one overdraft had occurred in a month, the additional overdraft charges would also be shown on the current statement.)(see lines 1-4 and 62-63 of *The Scotsman*). However, *The Scotsman* does not explicitly teach providing these executable instructions on a machine-readable medium. Danneels et al., however, teaches a computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a machine-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of *The Scotsman*. One of ordinary

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skill in the art would have been motivated to incorporate this feature for the purpose of distribution and installation and execution of the software on another computer (see column 7, lines 46-49 of Danneels et al.).

34. As per claim 28, *The Scotsman* teaches the method of claim 17 as described above. In addition, *The Scotsman* further teaches the method wherein said generating step further comprises documenting one or more reasons for at least one of said overdraft occurrences in said response, i.e. Halifax charges interest if customers are overdrawn for two consecutive days once a month (In order to charge interest, the reason for the interest must be documented on the account.)(see lines 62-63 of *The Scotsman*). However, *The Scotsman* does not explicitly teach providing these executable instructions on a machine-readable medium. Danneels et al., however, teaches a computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a machine-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of *The Scotsman*. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of distribution and installation and execution of the software on another computer (see column 7, lines 46-49 of Danneels et al.).

35. Claims 24 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conal Gregory, It can pay to watch out for those hidden bank charges, *The Scotsman*, p. 37, January 23, 1999, reference U on attached PTO-892, in view of Kirsty Greenwood and Nic Cicutti, Personal Finance: Switching isn't hard to do: More people divorce than

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change banks. But it's not that traumatic., *The Independent*, November 07, 1998, reference V on attached PTO-892, and Danneels et al., U.S. Patent No. 6,272,472 B1.

36. As per claim 24, *The Scotsman* teaches the method of claim 17 as described above. *The Scotsman* does not explicitly teach an oversight representative or providing these executable instructions on a machine-readable medium. However, *The Independent* does teach the method comprising associating an oversight representative with said response, i.e. Abbey National looks at the history of how customers conduct their accounts and in a one-off situation where someone may be only a few pounds overdrawn, Abbey National might waive the overdraft charge (see lines 56-58 of *The Independent*). And, Danneels et al. teaches a computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a machine-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate these features into the method of *The Scotsman*. One of ordinary skill in the art would have been motivated to incorporate these features because customers want fee-free overdraft (see lines 17-18 of *The Independent*) and the ability to distribute and install and execute the software on another computer (see column 7, lines 46-49 of Danneels et al.).

37. As per claim 29, *The Scotsman* teaches the method of claim 17 as described above. *The Scotsman* does not explicitly teach notifying a manager of the overdraft occurrence or providing these executable instructions on a machine-readable medium. However, *The Independent* does teach the method of notifying a manager responsible for

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said client associated with said overdraft occurrence by transmitting said response to said manager, i.e. Abbey National looks at the history of how customers conduct their accounts and in a one-off situation where someone may be only a few pounds overdrawn, Abbey National might waive the overdraft charge (Since a manager needs to determine whether the overdraft charge can be waived, the overdraft occurrence must have been transmitted to the manager for the manager's review.)(see lines 56-58 of *The Independent*). And Danneels et al. teaches a computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a machine-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate these features into the method of *The Scotsman*. One of ordinary skill in the art would have been motivated to incorporate these features because customers want fee-free overdraft (see lines 17-18 of *The Independent*) and the ability to distribute and install and execute the software on another computer (see column 7, lines 46-49 of Danneels et al.).

38. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Conal Gregory, It can pay to watch out for those hidden bank charges, *The Scotsman*, p. 37, January 23, 1999, reference U on attached PTO-892, in view of Dent et al., U.S. Patent No. 6,128,603 and Danneels et al., U.S. Patent No. 6,272,472 B1.

39. As per claim 27, *The Scotsman* teaches the method of claim 26 as described above. However, *The Scotsman* does not explicitly teach the ability to sort the summary report or provide these executable instructions on a machine-readable medium. Dent et

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al., however, does teach the method comprising sorting said summary report by a characteristic selected from the group consisting of active chronics, segment, account manager, relationship manager, treasury manager, market/cost center, reason, status, obligor, and oversight representative, i.e. the billing statement may contain other items, such as embedded hyperlinks, executable code, and pop-up dialog boxes which provide additional design flexibility and customization (see column 7, lines 38-43 of Dent et al.). And Danneels et al. teaches a computer-implemented method realized as one or more programs on a computer (see column 2, lines 40-46 of Danneels et al.) In addition, Danneels et al. teaches that the programs are storable on a machine-readable medium such as a floppy disk or a CD-ROM (see column 2, lines 46-49 of Danneels et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate these features into the system of *The Scotsman*. One of ordinary skill in the art would have been motivated to incorporate these features because they would enable the biller to essentially create any aesthetics, organization, and detail that it prefers (see column 7, lines 38-43 of Dent et al.) and it would allow the ability to distribute and install and execute the software on another computer (see column 7, lines 46-49 of Danneels et al.).

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Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Kohut, Esq. whose telephone number is 571-270-1369. The examiner can normally be reached on M-Th 730-5 w/1st Fri off. 2nd Fri 730-4.
2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Nolan can be reached on 571-272-0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DMK
9/19/2006

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